



Sentencing Act 2020

2020 CHAPTER 17

FIFTH GROUP OF PARTS Sentencing: miscellaneous provision and interpretation

PART 13

INTERPRETATION

399 Mandatory sentences

For the purposes of this Code, where a court is dealing with an offender for an offence, a mandatory sentence requirement applies in relation to the offence if—

- (a) the offence is one for which the sentence is fixed by law,
- (b) the court is obliged by one of the following provisions to pass a sentence of detention for life, custody for life or imprisonment for life—
 - (i) section ^{F1}258, 258A, 274, 274A, 285 or 285A] (life sentence for certain ^{F2}... offenders);
 - (ii) section 273 or 283 (life sentence for second listed offence),
- ^{F3}(ba) the court is obliged by section 268B or 282B to impose a serious terrorism sentence,] or
- (c) a sentence is required by one of the following provisions and the court is not of the opinion mentioned in that provision—
 - (i) section 311(2) (minimum sentence for certain offences involving firearms that are prohibited weapons);
 - (ii) section 312(2) [^{F4}or (2A)] (minimum sentence for offence of threatening with weapon or bladed article);
 - (iii) section 313(2) [^{F5}or (2A)] (minimum sentence of 7 years for third class A drug trafficking offence);
 - (iv) section 314(2) [^{F6}or (2A)] (minimum sentence of 3 years for third domestic burglary);
 - (v) section 315(2) [^{F7}or (2A)] (minimum sentence for repeat offence involving weapon [^{F8}or corrosive substance] or bladed article).

Changes to legislation: Sentencing Act 2020, Section 399 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 399(b)(i) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(13\)\(a\)](#), 208(5)(b)
- F2** Word in s. 399(b)(i) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 3\(13\)\(b\)](#), 208(5)(b)
- F3** S. 399(ba) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(18\)](#)
- F4** Words in s. 399(c)(ii) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(8\)\(a\)](#), 208(5)(k)
- F5** Words in s. 399(c)(iii) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(8\)\(b\)](#), 208(5)(k)
- F6** Words in s. 399(c)(iv) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(8\)\(c\)](#), 208(5)(k)
- F7** Words in s. 399(c)(v) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 124\(8\)\(d\)](#), 208(5)(k)
- F8** Words in s. 399(c)(v) inserted (6.4.2022) by [Sentencing Act 2020 \(c. 17\)](#), s. 417(1), [Sch. 22 para. 83\(c\)](#) (with [Sch. 27](#)); [S.I. 2022/415](#), reg. 2

Commencement Information

- I1** S. 399 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Changes to legislation:

Sentencing Act 2020, Section 399 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 399(b) words omitted by [2020 c. 17 Sch. 22 para. 73\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 36 substituted (29.6.2021) by [2021 c. 11, s. 50\(2\)\(v\)\(ii\)](#), Sch. 13 para. 11(20)(l))
- s. 399(b) words omitted by virtue of [2020 c. 17, Sch. 22 para. 73\(a\)\(i\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 11\(20\)\(l\)](#)
- s. 399(b)(i) amendment to earlier affecting provision [2020 c. 17, Sch. 22 para. 73\(a\)\(ii\)](#) by [2022 c. 32 s. 3\(15\)\(b\)](#) (This effect will come into force at the same time as section 61 of the Criminal Justice and Courts Services Act 2000, see [2020 c. 17, s. 417\(3\)](#) as amended)
- s. 399(b)(i) word omitted by [2020 c. 17 Sch. 22 para. 73\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 36 substituted (29.6.2021) by [2021 c. 11, s. 50\(2\)\(v\)\(ii\)](#), Sch. 13 para. 11(20)(l))
- s. 399(b)(i) word omitted by virtue of [2020 c. 17, Sch. 22 para. 73\(a\)\(ii\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 11\(20\)\(l\)](#)
- s. 399(b)(ii) words omitted by [2020 c. 17 Sch. 22 para. 73\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 36 substituted (29.6.2021) by [2021 c. 11, s. 50\(2\)\(v\)\(ii\)](#), Sch. 13 para. 11(20)(l))
- s. 399(b)(ii) words omitted by virtue of [2020 c. 17, Sch. 22 para. 73\(a\)\(iii\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 11\(20\)\(l\)](#)
- s. 399(ba) words omitted by virtue of [2020 c. 17, Sch. 22 para. 73\(b\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 11\(20\)\(l\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)

- s. 343(4) inserted by 2022 c. 32 s. 178(2)
- s. 348A348B inserted by 2022 c. 32 s. 178(4)
- s. 350(6C)(6D) inserted by 2022 c. 32 s. 178(5)
- s. 387A inserted by 2021 c. 17 s. 54(3)
- s. 397A inserted by 2020 c. 17 Sch. 22 para. 15
- s. 397A(4)(a)(ia) inserted by 2020 c. 17 Sch. 22 para. 19(2)(b)
- s. 397A(4)(a)(i) words omitted by 2020 c. 17 Sch. 22 para. 19(2)(a)
- s. 397A(5) words inserted by 2020 c. 17 Sch. 22 para. 19(3)
- s. 397A(6)(7) inserted by 2020 c. 17 Sch. 22 para. 19(4)
- s. 418(2A) inserted by 2021 c. 11 Sch. 13 para. 43(5)
- Sch. 1 para. 13A inserted by 2020 c. 17 Sch. 22 para. 4(a)
- Sch. 10 para. 10(5)(d) inserted by 2020 c. 17 Sch. 22 para. 21(2)(a)
- Sch. 10 para. 10(9A) inserted by 2020 c. 17 Sch. 22 para. 21(2)(c)
- Sch. 10 para. 11(2)(d) inserted by 2020 c. 17 Sch. 22 para. 21(3)(a)
- Sch. 10 para. 11(6A) inserted by 2020 c. 17 Sch. 22 para. 21(3)(c)
- Sch. 10 para. 10(9A) omitted by 2020 c. 17 Sch. 22 para. 74(1)(b)
- Sch. 10 para. 11(6A) omitted by 2020 c. 17 Sch. 22 para. 75(1)(b)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 25(a)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 74(1)(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 26(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 75(1)(a)
- Sch. 17A para. 24A inserted by 2020 c. 17, Sch. 22 para. 79A (as inserted) by 2021 c. 11 Sch. 13 para. 11(20)(m)
- Sch. 18 para. 26A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 80
- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)